

# EXHIBIT D

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A# [REDACTED]  
Nar [REDACTED]  
Date 12/02/08

AO: Brenda Leanhart  
ZSF 181

Interview Start:  
Interview Finish:

## RE-INTERVIEW

*NOTE: This is not a verbatim summary of this proceeding.*

### Confidentiality

Confidential within US govt  
Application not reported to home country

No decision today – you come back to pick up decision

Do you have any documents that you would like to submit today? submitted

## ADMINISTRATIVE TASKS AND INFORMATION

Present at interview: Applicant / Interpreter (Gopal Shah )

G-28 in file? no

Attorney present? no

Monitor oath form complete? yes

Interpreter oath form complete? yes

Interpreter ID copied for file? yes

Applicant oath form complete? yes

Does applicant understand information on the oath form? yes

Does applicant have any questions about oath form? no

Oath administered? yes

**Applicant's Oath** → Do you solemnly swear that the testimony you give will be

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the truth, the whole truth, and nothing but the truth?

**Interpreters Oath →** Do you solemnly swear to interpret all questions and answers truthfully and accurately?

**Monitor's Oath →** See monitor sheet

**I-589 INFORMATION**

**I-589 and declaration were completed by whom?** I did by myself

**You speak English?** A little

**Who helped prepare these documents?** [REDACTED]

**After you signed, was I-589 and declaration reviewed with you in language that you understand?** My friends?

**Repeat**  
yes

**After you signed your application were you given a copy of it?** yes

**Were you given a copy of your declaration?** yes

**Are you aware of contents of I-589 and declaration?** yes

**Would you like to make any changes in I-589 at this time?** Yes (takes a long time trying to pull out paperwork; gives changes on declaration and then tries to find the changes for his I-589) (adds that he lived in Kathmandu from 3/07 to 5/07) *Added to I-589*

**You lived in Kathmandu from 3/07 to 5/07?** yes

**Did someone tell you to make these changes?**

Yes, when I went through this I saw mistakes

**Who helped you go through the documents?** [REDACTED] (continues to ruffle through papers he brought ) I think I left home

**Left home?** The changes on appl

**Do you remember the changes?** I have a general idea

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Go ahead

I want to change address where I stayed can I write it down

Are the contents now true and correct? yes

Have you applied for asylum or refugee status any other time in U.S., or in any other country? no

Have you ever used any other names? no

Have you ever used any other date of birth? No

Ever live in Pokhara, Nepal where family living now? No

Why not? Due to Maoists threats there is no situation they could stay in my place so they are now staying in Pokhara

When did family move to Pokhara? March 2007 after that they moved there

Before moving to Kathmandu, where live? Kaski

With your family? Yes

When move to Kathmandu? In May 2004

How long stay there? I stayed until 2006

Then where go? After peace agreement went back to my place

When was that? March 2006

So you lived in Kathmandu from May 2004 to March 2006? yes

Where live after March 2006?

After peace agreement I went back to my place again

IN Kaski?

Yes

Where is Pokhara?

Is in Kashi

Did you ever live there in Pokhara?

Yes

When?

May 11, 2004 to November 2004

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**You said you were living in Kathmandu during that time**

**After that I went to Kathmandu**

**-Why say you were living in Kathmandu during this time?**

**Due to Maoists there was no situation I could stay in my place**

**Who live with now?**

**Who else live with? I live with him**

**Anyone else live there? No, no one**

**Education?**

**High school I passed class ten**

**Any further education?**

**I also joined college but I could not continue it**

**Why not?**

**Due to family problems**

**What family problems?**

**For college I had to stay at market and for economic reasons after this I quit college**

**What economic reasons?**

**Actually we did not have income in family and only source was fathers pension**

**Pension from where?**

**My father was in the Indian army and he retired he got pension**

**Your statement says you are from a well-off family -- can you explain discrepancy**

**Well-do means we had lots of farming land but not enough money**

**Couldn't your family work or farm the land?**

**I can do a little bit**

**How much land does your family have?**

**It is in the hilly area; on average it is 10-15 Ropani**

**What part of Nepal is the family land located?**

**It is the Ghandruk**

**Is that in Terai region?**

**No it is in the hilly area in Ghandruk**

**Ghandruk is the province?**

**A place**

**Be more specific**

**It is a place a village development committee**

**Were you trying to development the hills**

**Yes**

**What trying to build?**

**Trying to educate people in village we were also providing sports opportunity for youths**

**Your family did this?**

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Normally we did farming on this lands

Your family provided money for sports opportunity?

no

Ever made any false statements to someone who works for the U.S. Govt including visa officials? no

Ever used or presented any false or fraudulent documents to someone who works for the U.S. Govt including visa officials? no

### ENTRY INFORMATION

DOE: 10/20/07

POE: ny

Manner of entry: h2b

How many times have you entered the U.S.? one

Departure from U.S. after claimed entry? no

What passport did you use to enter the U.S.? copy in file

### ONE YEAR FILING DEADLINE

File within one year of entering US?

Yes

Have proof? (shows the original of the copy of label he submitted)

Why is this all stapled together (the label is stapled to a photo-copied?)

When it was returned to me it came like this

Do you have the original envelope this was sent in?

(shows to me – the label is dated 30<sup>th</sup>)

When did you receive this letter?

On Nov 3<sup>rd</sup>

Why did you wait so long to apply for asylum?

Before I had no idea about asylum

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**How many times have you applied for a US VISA? one**

**Did you complete the U.S. VISA(s) applications yourself? No**

**Who completed it? A friend in Kathmandu**

**Did your friend review the application with you before it was given to the US consulate?  
yes**

**Was the information on the U.S. VISA application(s) correct and true? yes**

**Did you have to use any fake documents or make any false statements in order to get your  
US Visa? no**

**Did you have to pay anyone to get your US visa? no**

**Why come to the US?**

**To work**

**Did you actually work ?**

**Yes**

**Work for who?**

**Cinram**

**How long work there?**

**For a month**

**When was that?**

**Oct to Nov 2007**

**Why leave?**

**I had to work 12 hours and position not so good; I have a mental tension**

### **ASYLUM CLAIM**

**What mental tension?**

**Moaists tried to kill me and I had to leave Nepal**

**When?**

**May 2007 they kidnapped me and tried to kill me**

**How know it was Moaists?**

**They told me they were Maoists after that you can easily recognize they are Maoists**

**What mean**

**they introduce themselves....**

**Redirect... what happened that time**

**May 18, 2007 at night I had just finished party meeting and I was sitting at home; I had just arrived home and family watching TV; someone knocked on door and when I opened door I was group of 7-8 people everybody face was covered**

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What did you think then

After that I tried to close the door

Redirect and repeat

Are you understanding so far?

Yes

Any problems with interpretation?

No

(I try 3<sup>rd</sup> time to get a monitor – none available)

What did you think when you saw them standing outside your door?

I thought they came to attack me

Think anything else?

I thought that they would attack me or do something

Did they say anything to you?

They told me that they came to take me with them

So you still don't know they were Maoists?

Until then no, but latter they told me

How did they tell you they were Maoists?

They pushed my door and told me they are Maoists and that we have come to take you

Where your family members?

They were in the home

What did family members do?

They couldn't do anything they threatened my family members not to do anything

Did anything happen to your family members?

The Maoists threatened my family members and took me with them

Did they the Maoists do anything to any of your family members?

No they did nothing to my family

-Your declaration says the Maoists took your parents under their control...explain

When they entered into the house they tried to take me and at this time they took my parents under their control

What does that mean?

When they were trying to take me they told my family members that nobody will do anything we will take him with us

What does "took my parents under their control" mean?

When they entered my house mostly 2-3 people had weapons with them at that time my parents were watching TV they threatened parents that we are taking son and nobody is going to do anything

What does "took my parents under their control" mean?

I mean they threatened my family and took them under their control

Did they Maoists say why they took you?

they did not say anything at this time

Did they ever tell you why they took you?

No they never told me

Did they say anything to you?



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Later they told me

What?

They told me that you did not follow our orders that is why you will pay with your life

Did you say anything to the Moaists?

I didn't say anything

Did the Moaists say what they meant when they said you did not follow our orders

In different time they threatened me and asked me to help their party

When?

I received a letter on April 15, 2007

-Where were you when received the letter?

At my house

Where?

In Ghandruk

You were at home when received it?

Yes, I was at home at that time

How was the letter delivered?

Two Moaists workers came to the house and they told me that their commander sent the letter for me; they handed it to me

Did they say anything else to you?

No they left

Can I see this letter?

I destroyed it at that time

But you have a copy here in file

That was a previous letter I destroyed – I think it is in there (points to file)

Do you have the original letter?

I do have ( pulls out of his file) I think I left it at home

You do have the original and can bring it if we need to see it?

yes

You first said you destroyed the letter –

I destroyed previous letters

How many previous letters receive?

Total 2 letters

When receive the previous letter?

Around 3<sup>rd</sup> week of Sept 2001

-You testified earlier that you were in Kathmandu from March of 2007 to May of 2007, but now just testified that you were at home in Ghandruk in April 2007 to personally receive the letter... explain

After November I went to Kathmandu after that in March 2007 I went back to Ghandruk This conflicts to the changes you had me make to appl and to what you testified to earlier can you explain

I don't understand

You testified earlier that you were in Kathmandu from March of 2007 to May of 2007, but now just testified that you were at home in Ghandruk in April 2007 to personally receive the letter... explain

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When I received the letter I recievedit myself in Ghandruk  
But you had me make changes to your appl saying you were in Kathmandu during April 2007  
and I verified the changes

(monitor says he is talking to himself) In March I returned from Kathmandu and on May  
18, 2007 I ran away from Ghandruk

When live in Kathmandu?

From Nov 2004 to Nov 2006; actually it was March 2007

I asked earlier if you lived in Ghandruk your whole life except for the period you provided  
March 2007 to May 2007 and you indicated that was correct

I returned to Ghandruk after May 18, 2007 and I ran away from Ghandruk;

You ran away?

on March 7 I returned to Ghandruk on May 18, 2007 Maoists tried to kill me then I ran  
away from Ghandruk

Why dates keep changing?

Maybe nervous

Member of any organizations?

Secretary of local youth club in my place

That is it?

In my village I am associated with a local club and before that I worked for Annapurna  
Conservation Project

Involved with any political groups?

Associated with Nepali Congress

Did the Maoissts know this?

Yes

How do you know this?

I was actively involved in 1999 elections of Parliament

What did you do?

I worked in election campaing for Nepali Congress and to expand membership of NP

What kind of membership with NP

An active member

How become an active member?

I always believe in NP I joined NP

Repeat

Our leader Mr. Prakash Bahdhur Gurung he recomnened me to the party and I become  
an active member of NP

When?

Arpil 19, 1998

When did you first join NP?

that was the same date

Usually, you have to be a general member before you become an active member of NP...why  
didn't you have to do that?

I was already associated with NP and later when they recommended me I became an  
active member

You said you became a member in April 1998

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Yes, I become the first general member in 1998 and after that became and active member  
-You said you became and active member April 19, 1998 and now you are saying that you did not become an active member on that date but a general member first on April 1998?

Under recommendation of party leaders you become an active member  
When did that happen for you?

On same date April 19, 1998 I became an active member on recommendation of Mr. Prakash Gurung

Why

b/c I was very active in Ghandruk area and working in social sector of the area and active in local youth club that is why he told me could become an active member

Where get this newspaper?

When I received it before it was at my home; recently my family members sent it to me over here

Why did they sent it recently ?

I asked them to send all my documents over here

How did your family members obtain this copy of newspaper?

I put it at my home safely before

When did you obtain this newspaper?

I don't understand – they sent it

How did your family have this newspaper at home?

I received it before and kept it at my house

How did you receive it at your house?

When I ran away from my place and when reached Pokara I came to know that one friend told me that a news was published about you and after this I got one copy

When did you obtain this document?

20.....May 20, 2007

Where pick up this copy on May 20, 2007?

I got it from the newspaper shop

Where?

Bagar Pokhara

Why there?

When I left Ghandruk I was in Pokhara that time

When leave Ghandruk?

May 18, 2007

Why leave Ghandruk?

In that night Maoists tried to kill me

Did Maoists say they knew you were a member of Nepali Congress?

They knew

Repeat

I don't understand

Did Maoists say they knew you were a member of Nepali Congress?

When I returned to Ghandruk On march 7, 2007 I was working in elections for NP and we were preparing for election of constitutional assembly and I was working for NP b.c I was active member of NP

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Familiar with 1999 elections?

Yes

What district you in?

Constituency number 3 of Kaski dist

Who ran for your district?

Prakash Bahadur Gurung

Other candidate from another party?

From UML communist party Mr. Somhah Adhikari Pyasi

Who won?

Prakash Bahadur Gurung

Did Nepali congress win a majority in 1999?

Yes

How many members of parliament?

At that time 205

Is there only one section of parliament?

I don't get this

What is parliament called?

That is the parliament house

Is there only the house?

We call parliament of Nepal

There are representatives -- is there another part of parliament?

Yes

What is that other part called/

(mumbling) ..... upper house and national assembly

Who was president of NP in 1999?

Girija Prasad Koirala

When you worked on campaigning in 2007. who was the NP candidate?

Mr. Parkash Bahadur Gurung

That was for constituency 3 of Kaski?

It changed to number 4 for the constitutional assembly election

It changed for the 2007 elections?

Yes

Not parliament anymore?

No for constitutional assembly

Do you know who won?

At that time I was here but came to know that Communist Maoists won in this area

Do you know who won?

Durga B.K

### **FEAR OF FUTURE HARM**

Who do you think would harm you if you returned now?

The Maoists will kill me

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**Internal Relocation**

Do you think it would be safe to life anywhere else in your country?

No I cannot; I cannot be safe anyplace

**Mandatory Bars**

These are questions that I ask everyone.

Have you ever harmed anyone for any reason? no

Have you ever helped to harm anyone for any reason? no

Have you ever been arrested in the U.S.? no

Were you ever arrested prior to coming to the U.S.? no

Did you ever commit any crimes prior to coming to the U.S.? no

Have you ever been a member of or in any way associated with a terrorist organization?  
No

Ever give money or goods to the Maoists? no

Do you or any member of your family pose a security risk to the U.S.? no

Have you ever served in the military or police? no

Have you ever carried or owned a firearm or weapon? no

Have you ever been offered citizenship, asylum or refugee status in any other country? no

Have you ever received documents such as a work permit, a passport or any other documents from any other country? no

**Closing Statements:**

Other than what you have told me already, is there any other reason you do not want to return to your country?

no

Any questions?

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**Sign I-589**

**Explain pick-up Process**

No decision today – you come back to pick up decision (bring interpreter, photo ID)

- 1) approval
- 2) referral to immigration Court – present case again in front of IJ, have right to have atty present